

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4161 of 1985

Date of decision: 15-10-97

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

AHMEDABAD MUNI. TEACHERS CO.OPCREDIT SOCIETY LTD.

Versus

AHMEDABAD MUNI. SCHOOL BOARD

Appearance:

MR MK VAKHARIA for Petitioner
None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/10/97

ORAL JUDGEMENT

Heard the learned counsel for the petitioner, and perused the special civil application.

The petitioner -Ahmedabad Municipal Teachers Cooperative Credit Society Ltd., by this petition has prayed for direction to the respondent Municipal Corporation to comply strictly with the terms of section 50 of the Gujarat Cooperative Societies Act, 1961 so that the payment of the dues of the petitioner by its member teachers, who are employees of the Corporation, may be made regularly as and when the same is deducted from their wages or salaries.

2. Prayer of the nature made aforesaid cannot be granted by this court for the obvious reason that under section 50 itself of the said Act sufficient remedy has been provided to the petitioner for non-compliance of the said provision. If some dues of the petitioner Society have remained unpaid by the teachers, who are employees of the Corporation, and the Corporation has not fulfilled its obligations as provided under section 50 of the Act, the Petitioner can approach the Registrar for issuing certificate and the amount can be recovered as land revenue from the Corporation. In view of this provision, this writ petition is absolutely ill-advised.

3. In the result this special civil application fails and the same is dismissed. Rule discharged. No order as to costs.

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